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PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TECH CENTER 1600/2900

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In re application of:

Cook

Serial No.: 10/087,424

Group Art Unit: 1639

Filed: March 1, 2002

Examiner: Maurie Garcia Baker

For: Nucleobase Heterocyclic Combinatorialization

EXPRESS MAIL LABEL NO: EV058066399US  
DATE OF DEPOSIT: December 9, 2002

Assistant Commissioner for Patents  
Washington, D.C. 20231

### RESPONSE TO REQUIREMENT OF SPECIE ELECTION

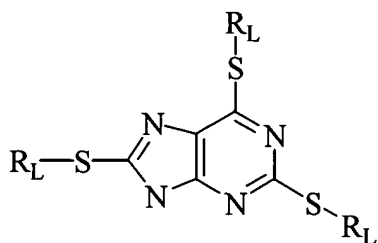
This is in response to the Office Action mailed on October 17, 2002 that requires an election of a species for prosecution. It is Applicant's understanding that this election is being made to aid the Examiner in conducting a search and examination of the claimed subject matter, and is not to be construed as limiting the scope of Applicant's claims. It is also Applicant's understanding that if the elected subject matter is found to be allowable over the prior art, the search and examination will be expanded to cover other species, until it includes the full scope of the generic claims.

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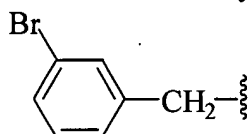
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Applicants have been required to elect one specie from each of three subgroups. Applicants elect Library 51, Example 90 from subgroup 1. As required by the Office Action, the below structure is identified.

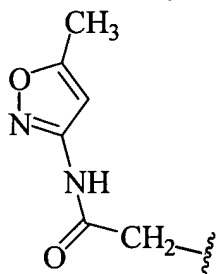


wherein each  $R_L$  independently, is  $L_4$ ,  $L_{11}$  or  $L_{16}$ .

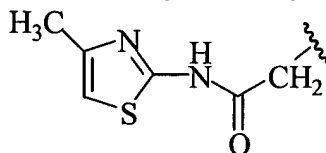
$L_4$  is 3-bromobenzyl.



$L_{11}$  is N-acetyl-3-amino-5-methylisoxazole.



$L_{16}$  is N-acetyl-4-methyl-2-aminothiazole.



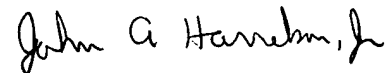
In regard to subgroup 2, Applicants elect purine as the general scaffold. The purine shown above is elected as the specific scaffold.

Applicants elect species 3-2, substituents attached to scaffold via a tether moiety, is elected in regard to subgroup 3.

The following claims read on the elected species: Claims 31 to 50.

Applicants submit that the foregoing constitutes a full and complete response to the Office Action and that the pending claim is in condition for ready allowance. An early office action to that effect is, therefore, earnestly solicited.

Respectfully submitted,



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Date: December 9, 2002

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